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AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY DEPUTY

07-CV-01224-CMP

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

JOSEPH ANDREW HYLKEMA,  
Plaintiff

v.

CREDIT CONTROL SERVICES, INC.  
d/b/a CREDIT COLLECTION  
SERVICES, a Delaware  
corporation,

Defendant

No. **C07-1224P**

COMPLAINT

COMES NOW the Plaintiff who, for causes of action set forth below, hereby sues Defendant above-named and for his complaint alleges the following:

1. NATURE OF ACTION

1.1. This is an action for damages for violations of the Fair Debt Collection Practices Act ("FDCPA"), 15 USC § 1692 et seq. and for declaratory relief pursuant to the Declaratory Judgments Act, 28 USC § 2201. Plaintiff brings this action in the capacity of a private attorney general to impose strict liability upon Defendant for its violations of the FDCPA.

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COMPLAINT - 1

JOSEPH ANDREW HYLKEMA  
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(206) 202-4530  
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ORIGINAL

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2. JURISDICTION AND VENUE

2.1. Jurisdiction arises under 28 USC §§ 1331, 1337(a), and 15 USC § 1692k(d). Venue is proper in this Court as Defendant transacts business here and the conduct complained of occurred here.

3. PARTIES AND BACKGROUND

3.1. Plaintiff is a sui juris adult and resident of the state of Washington, county of King, and city of Seattle. Plaintiff has been the subject of Defendant's debt collection activities and has been damaged thereby.

3.2. Defendant is a Delaware corporation. Its offices and principal place of business are located at 2 Wells Ave, Newton, MA, 02459-3208.

3.3. Defendant is licensed as a collection agency by the Washington State Department of Licensing and authorized to do business here through its registered agent, one William Suttell located at 7525 SE 24TH ST #310, Mercer Island, WA 98040.

3.4. Defendant is the assignee of Plaintiff's alleged obligation to pay approximately \$25 to non-party Allstate Insurance Company (the "Alleged Debt"). The Alleged Debt arose out of transactions primarily for personal, family, or household purposes.

3.5. Defendant's primary business purpose is the collection of debts. Defendant, regularly and in the ordinary course of

1 business, attempts to collect debts asserted to be owed or due  
2 another using the telephone, mails, and other instrumentalities  
3 of interstate commerce, and did so attempt to collect the  
4 Alleged Debt from Plaintiff.

5 **4. STATEMENT OF FACTS**

6 4.1. Beginning in October of 2006, Defendant attempted to  
7 collect the Alleged Debt through a series of over 35 harassing  
8 and deceptive computer generated telephone calls.

9 4.2. More specifically, each call resulted in a message on  
10 Plaintiff's answering machine substantially as follows:

11 This is a personal and private message for Joseph  
12 Hylkema. If you are not this party, please stop and  
13 do not listen any further. Please call us back today,  
14 toll free, 1-877-289-0281 regarding a very important  
business matter. This is not a telemarketing call.  
Your file number is {number}. Thank you.

15 4.3. Each call was placed without meaningful disclosure of the  
16 caller's identity and failed to identify that the call was from  
17 a debt collector.

18 4.4. Further, Defendant's false characterization of a \$25  
19 Alleged Debt as a "very important business matter" and its plea  
20 to "call us back today" would tend to mislead the least  
21 sophisticated consumer into believing that the call was of an  
22 emergent nature when in fact it was anything but.

23 4.5. Defendant's conduct was persistent, deliberate, and in bad  
24 faith.

1 4.6. As a direct and proximate result of Defendant's conduct,  
2 Plaintiff has suffered damage.

3 **5. FIRST CAUSE OF ACTION - VIOLATION OF FDCPA**

4 **COUNT ONE - VIOLATION OF 15 USC § 1692d(6)**

5 5.1. Defendant has placed telephone calls to Plaintiff without  
6 meaningful disclosure of the caller's identity. *See, inter*  
7 *alia, Hosseinzadeh v. M.R.S. Associates, Inc.*, 387 F.Supp.2d  
8 1104, 1116 (C.D.Cal. 2005); *Foti v. NCO Fin. Sys., Inc.*, 424 F.  
9 Supp. 2d 643, 669 (S.D.N.Y. 2006).

10 **COUNT TWO - VIOLATION OF 15 USC § 1692e(10)**

11 5.2. Defendant has attempted to collect the Alleged Debt through  
12 false representations or means.

13 **COUNT THREE - VIOLATION OF 15 USC 1692e(11)**

14 5.3. Defendant has communicated with Plaintiff and failed to  
15 disclose that the communication is from a debt collector. *See*  
16 *cited cases, supra.*

17 **6. SECOND CAUSE OF ACTION - DECLARATORY RELIEF**

18 6.1. Plaintiff requests the Court find and declare that  
19 Defendant's conduct as enumerated herein violated the FDCPA.

20 **7. NO BONA FIDE ERROR DEFENSE**

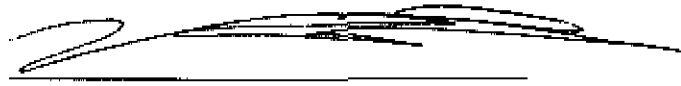
21 7.1. Plaintiff asserts, and continues to assert, that  
22 Defendant's conduct herein was persistent, deliberate and in bad  
23 faith. Nevertheless, any "error" committed by Defendant herein  
24 was an error of law and therefore not excusable by the FDCPA's

1 bona fide error defense, 15 USC § 1692k(c). *Baker v. G.C.*  
2 *Services Corp.*, 677 F.2d 775, 779 (9<sup>th</sup> Cir. 1982).

3 **8. PRAYER FOR RELIEF**

4 8.1. WHEREFORE, Plaintiff respectfully prays for judgment  
5 against Defendant for an award of damages consisting of actual  
6 damages and the maximum statutory and treble/exemplary damages  
7 permitted by law in amounts to be determined at trial, for  
8 interest on any judgment rendered herein at the highest legal  
9 rate until satisfied in full, for declaratory relief and for  
10 such other and additional relief as the Court may deem just and  
11 proper.

12 DATED: August 7, 2007

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15 JOSEPH ANDREW HYLKEMA  
16 WSBA: N/A  
17 Plaintiff pro se  
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